

**REGULAR MEETING OF THE
PLANNING & ZONING COMMISSION
8750 MCKINNEY ROAD
FRISCO, TEXAS 75034
TUESDAY, February 27, 2001 - 6:30 P.M.**

MINUTES

1. Call to Order/Roll Call

Commissioner Scott Seifert called the meeting to order at 6:38 p.m.

Those present: Commissioners Scott Seifert, Jerry Sanders, John Hamilton and Richard Caplan.

Those absent: Chairman Buddy Minett and Commissioners Jon Ferguson and Steve Hulsey.

Staff Present: John Lettelleir, Director of Planning, Doug Mousel, Senior Planner, Scott Norris, Senior Planner, Mitch Humble, Planner, Frank Jaromin, City Engineer, Rebecca Brewer, City Attorney and Sanet Garrett, Planning Secretary.

2. Consider and act upon approval of Minutes of the February 13, 2001 Planning and Zoning Meeting.

Following review and discussion, Commissioner Sanders moved to approve the Minutes of February 13, 2001 with a correction to the motion in item 4. Commissioner Caplan seconded the Motion. Motion carried. Vote - unanimous 4-0.

CONSENT AGENDA

Consent agenda items 3B, 3C, 3I and 3N were pulled from the consent agenda for separate discussion.

Commissioner Hamilton moved to approve consent agenda items 3A, 3D-3H, 3J-3M and 3O and 3P. Commissioner Sanders seconded the Motion. Motion carried. Vote - unanimous 4-0.

3A. Final Plat: The Fairways - Phase 4

MH Applicant(s): Alan Jones, Pulte Homes of Texas

122 single-family lots on 27.7± acres 1,200± feet west of Teel, 1,300± south of F.M. 2934 (Eldorado Parkway). Zoned Planned Development-92. Neighborhood #44.

REMARKS:

The final plat shows 122 single-family lots developed to Planned Development-92-Single-Family-5 standards. Access is provided from Del Largo Way and Blackstone Drive, both of which were constructed with The Fairways Phase 2. Alleys do not serve all of the lots. The Subdivision Ordinance requires alleys to be provided along the rear of all lots. Should the City Engineer determine that the subdivision meets the criteria necessary to support the absence of alleys, the requirement for alleys will be waived. An off-site street easement is necessary for the development of this phase. This off-site easement must be obtained and filed prior to a City release for construction.

RECOMMENDATION:

Recommended for approval subject to:

1. Additions and/or alterations to the engineering plans as determined by the Engineering Department.
2. Filing of off-site street easement prior to a City release for construction.
3. City Engineer waiver of the requirement for alleys.

3B. Final Plat: Frisco Square – Phase 1

DM Applicant(s): Frisco Square Ltd. and City of Frisco

43 Single-Family lots and two open space lots on 9.3± acres on the north side of Cotton Gin Road, 1,550± feet east of the Dallas North Tollway. Zoned Planned Development-153. Neighborhood #40.

Following review and discussion, Commissioner Sanders moved to accept the applicant's request to waive their right for Commission action on the plat within 30 days of the submittal date. Commissioner Hamilton seconded the Motion. Motion carried. Vote - unanimous 4-0.

3C. Conveyance Plat: Frisco Street, West Main Street, North Church

DM Street, Page Street, Burnham Street, North Library Street, West Library Street, East Library Street, South Library Street, and Cotton Gin Road

Applicant(s): Frisco Square Ltd. And City of Frisco

Right-of-way dedication on 15.4± acres on the south side of Main Street (F.M. 720), 1,330± feet east of the Dallas North Tollway. Zoned Planned Development-153. Neighborhood #40.

Following review and discussion, Commissioner Sanders moved to accept the applicant's request to waive their right for Commission action on the plat within 30 days of the submittal date. Commissioner Hamilton seconded the Motion. Motion carried. Vote - unanimous 4-0.

3D. Final Plat: Three Magnolias, Block A, Lot 1

DM Applicant(s): James K. Petty and Oak Branch Trust

A single-family home on one lot on 12.8± acres on the east side of County Road 112 (future Independence Parkway), 2,170± feet south of F.M 720 (Main Street). Zoned Agricultural. Neighborhood #16.

REMARKS:

The final plat shows one lot developed to Agricultural district standards. A home and a barn are located on the property. The applicant is proposing to construct a private stable with living quarters on the property. A private stable and garage apartment are allowed by right in the Agricultural district. A flood study was conducted to determine the location of the 100-year flood plain. The final plat dedicates a floodway and drainage easement and right-of-way for Independence Parkway.

RECOMMENDATION:

Recommended for approval subject to additions and/or alterations to the engineering plans as required by the Engineering Department.

3E. Final Plat & Site Plan: Standridge Addition Block A, Lot 1 (Lebanon SN Plaza)

Applicant(s): V.P. Partners and Standridge Companies

A convenience store with gas pumps on one lot on 1.4± acres on the northwest corner Lebanon Road and Coit Road. Zoned Commercial-1. Neighborhood #24.

REMARKS:

The site plan shows a 2,960 square foot convenience store with six pump islands. Access is provided from Coit Road and Lebanon Road. The site plan conforms to the approved preliminary site plan. Cross access is provided to the adjacent properties. Parking and landscaping are adequate.

The final plat subdivides the property into three tracts and dedicates the necessary easements for development of Lot 1.

RECOMMENDATION:

Recommended for approval subject to:

Final Plat

Additions and/or alterations to the engineering plans as required by the Engineering Department.

Site Plan

Staff approval of the landscape and screening plans.

3F. Final Plat & Site Plan: Pioneer Middle School Block A. Lot 1 SN Applicant(s): Frisco ISD

A one-story middle school on one lot on 22.9± acres on the southeast corner of Twin Falls Drive and High Shoals Drive. Zoned Planned Development-41-Single-Family-4. Neighborhood #42.

REMARKS:

The site plan shows a 151,566 square foot one-story middle school. Twin Falls Drive and High Shoals Drive provide access. Both streets are collectors that provide access to Teel Parkway and F.M. 720 (Main Street). Parking and landscaping are adequate.

The final plat dedicates the necessary easements for the development.

RECOMMENDATIONS:

Recommend for approval subject to:

Final Plat

Additions and/or alterations to the engineering plans as required by the Engineering Department.

Site Plan

Staff approval of landscape and screening plans.

**3G. Conveyance Plat, Final Plat & Site Plan: Centennial High School
SN Addition**

Applicant(s): Frisco ISD

An high school on three lots on 76.5± acres on the southwest corner of Coit Road and future Rolater Road. Zoned Agricultural. Neighborhood #44.

REMARKS:

The site plan shows a 288,000 square foot high school. The site plan also includes a vocational tech building, future green house, and a press box. Tournament grade baseball, softball and tract facilities with several practice fields for football and soccer are shown on the site plan.

Access will be provided by Coit Road and future Rolater Drive. The traffic volumes anticipated by the development of a high school will require area roads to be upgraded. The extension of Rolater Drive between Coit Road and Hillcrest Road is expected to occur with the development of the high school. Rolater Drive will be completed prior to the opening of the new high school.

The conveyance and final plat subdivides the property into three lots and dedicates the necessary easements for the development of the high school on Lot 1. This plat also dedicates the right-of-way for Coit Road and Rolater Drive.

RECOMMENDATIONS:

Recommend for approval subject to:

Conveyance / Final Plat

Additions and/or alterations to the engineering plans as required by the Engineering Department.

Site Plan

Staff approval of landscape and screening plans.

**3H. Conveyance Plat / Final Plat, Preliminary Site Plan and Site Plan:
SN Northstar Business Park (Frisco Tech Center)**

Applicant(s): Connell Development Co.

Two one story office warehouse buildings on two lots on 11.6± acres on the northeast corner of F.M. 2934 (Frisco Street) and Technology Drive. Zoned Commercial-2 Neighborhood #46.

REMARKS:

The preliminary site plan shows two 60,000 square foot one story office warehouse buildings. Cross access is provided between the properties. Access is provided from F.M. 2934 (Frisco Street) and Technology Drive.

The final site plan shows the first phase of development to be the office warehouse building on the northeast corner of F.M. 2934 (Frisco Street) and Technology Drive. Parking, screening and landscaping are adequate.

The conveyance/final plat subdivides the property into two tracts and dedicates the necessary easements for development of Lot 1.

RECOMMENDATION:

Recommended for approval subject to:

Preliminary Site Plan

As submitted.

Final/Conveyance Plat

Additions and/or alterations to the engineering plans as required by the Engineering Department.

Site Plan

Staff approval of the landscape and screening plans.

3I. Final Plat & Site Plan: Lowes Addition Block A Lot 9

SN Applicant(s): First American Bank

A bank with drive thorough on one lot on 2.5± acres on the southeast corner of Preston Road (S.H. 289) and Warren Parkway. Zoned Commercial-1. Neighborhood #29.

Following review and discussion, Commissioner Caplan moved to accept the applicant's request to withdraw this item for consideration. Commissioner Hamilton seconded the Motion. Motion carried. Vote - unanimous 4-0.

3J. Site Plan: Heritage Village Amenity Center

SN Applicant(s): Dalwestern Frisco L.P.

An amenity center on one lot on 0.9± acre on the southeast corner of Robertson Drive and Nicholson Drive. Zoned Patio-Home. Neighborhood #42.

REMARKS:

The site plan shows an amenity center that includes two swimming pools, cabana, playground and ten parking spaces. A living screen consisting of evergreen trees is shown where side yards are adjacent to single-family lots. The site plan shows the wrought iron fence and side walk around pool.

All necessary easements have been provided with final plat for Heritage Village Phase 1.

RECOMMENDATION:

Recommended for approval subject to:

1. Staff approval of the landscape and screening plans
2. Additions and/or alterations to the engineering plans as required by the Engineering Department.

3K. Final Plat: Frisco Heights Phase 1

SN Applicant(s): Frisco Heights, Ltd and Five Star Development Co. Inc.

130 Single-Family-4 lots on 49.9± acres on the north side of Eldorado Parkway, 900± feet west of Custer Road. Zoned Planned Development Single Family-4. Neighborhood #6.

REMARKS:

The final plat shows 130 Single-Family lots to be developed at Single-Family-4 standards. An alley waiver was granted with the approved preliminary plat for front entry lots where lot to lot drainage can be avoided. The final plat conforms to the approved preliminary plat.

Access is provided by Eldorado Parkway. The applicant has provided engineering plans that include both sides of paving for Eldorado Parkway from Custer Road to the property as a means of providing the required two points of access for the development. Eldorado Parkway will be constructed to a four-lane divided thoroughfare beyond the first street to provide two points of access. Where constraints of land prevent the provision of a second point of access, the Subdivision Ordinance allows the City to accept a median divided street to satisfy the requirement for two means of access. This condition is acceptable on a temporary basis for a limited number of homes. This temporary condition will be eliminated when Eldorado Parkway is extended west.

RECOMMENDATION:

Recommended for approval subject to:

1. City Engineer approval of no lot to lot drainage to waive the alleys.
2. Additions and/or alteration to the engineering plans as required by the Engineering Department.
3. Staff approval of landscape and screening plans.
4. Staff approval of street names.
5. Final acceptance of Eldorado Parkway prior to building permits being issued for any homes other than model homes.

3L. Preliminary Site Plan: Stonebriar Church of Christ, Block A, Lot 1

DM Applicant(s): Stonebriar Church of Christ and Frisco EZ Storage

A church on one lot on 1.5± acres on the south side of Stonebrook Parkway, 50± feet east of Rolling Brook Drive. Zoned Commercial-1. Neighborhood #23.

REMARKS:

The preliminary site plan shows a church consisting of 13,410 square feet. Two points of access are provided from a driveway extending from Stonebrook Parkway and an off-site fire lane and access easement. A street easement and escrow will be required for the future construction of a deceleration lane to serve the site. Based on the amount of parking provided, the church will be limited to 315 seats. Landscaping is adequate.

RECOMMENDATION:

Recommended for approval as submitted.

3M. Revised Preliminary Site Plan, Site Plan, Conveyance Plat & Final Plat:

MH Frisco Market Place, Block A, Lots 1-6

Applicant(s): Liberty Federal Savings Bank

A bank and a retail building on two lots on 1.9± acres on the west side of Preston Road, 540± feet south of Rolater Drive. Zoned Commercial-1. Neighborhood #24.

REMARKS:

The previously approved preliminary site plan showed a retail center, a bank, and three retail buildings on five lots. The revised preliminary site plan shows a retail center, a bank, and three retail buildings on six lots. Lot 3 has been subdivided into two lots. Access is provided from Preston Road and Rolater Drive. Parking is adequate. Landscaping complies with the Preston Road Overlay District.

The site plan shows a 4,400± square foot bank with drive-through lanes. The site plan conforms to the preliminary site plan. Access is provided through off-site fire lane and access easements extending north through Lots 1 and 6 and south through Lot 2. Parking and landscaping are adequate. A ten-foot wide landscape island borders the outer

edge of the drive-through lanes. A façade plan must be submitted and approved by staff for compliance with the Preston Road Overlay District architectural and design standards. Off-site fire lane, access, water, and drainage easements are necessary for the development of Lot 3. These off-site easements must be obtained and filed prior to final acceptance of the public improvements to Lot 3.

The conveyance plat subdivides Lot 3 into two lots and dedicates easements necessary for development of the bank.

The final plat dedicates easements necessary for the development of Lot 3.

RECOMMENDATION:

Recommended for approval subject to:

Revised Preliminary Site Plan

As submitted.

Site Plan

Staff approval of the landscape plan and façade plan.

Conveyance Plat

Additions and/or alterations to the engineering plans as required by the Engineering Department.

Final Plat

1. Additions and/or alterations to the engineering plans as required by the Engineering Department.
2. Filing of off-site fire lane, access, water, and drainage easements prior to final acceptance.

Commissioner Caplan stepped down from the table due to a conflict of interest.

3N. Final Plat: The Trails Phase 5B

SN Applicant(s): J. Baker Corporation

79 Single-Family-5 lots on 21.85± acres one the south side for Trails Parkway at Crockett Drive 1,700± feet north of F.M. 720 Main Street. Planned Development-75-Single-Family-5. Neighborhood #44.

Due to the a lack of quorum, this item could not be acted upon. The applicant waived their right for Commission action on the plat within 30 days of the submittal date.

3O. Conveyance Plat & Revised Preliminary Site Plan: Standridge Addition

SN Block A, Lots 2 & 3

Applicant(s): V.P. Partners and Standridge Companies

Two one story retail buildings on two lots on 2.8± acres on the north side of Lebanon Road 260± feet west of Coit Road. Zoned Commercial-1. Neighborhood #24.

REMARKS:

The revised preliminary site plan shows a 20,522 square foot retail building and a 5,400 square foot veterinarian office and a church parking lot were the previously approved preliminary site plan indicated one retail building and a church parking lot. The revised plan also shows a drive through facility, cleaners facility at the east end of the building. Cross access is provided between the properties. Parking, stacking and landscaping are adequate.

The conveyance/final plat subdivides the property in to three tracts and dedicates the necessary easements for development of Lot 1.

RECOMMENDATION:

Recommended for approval subject to:

Revised Preliminary Site Plan

As submitted.

Conveyance Plan

Additions and/or alterations to the engineering plans as required by the Engineering Department.

3P. Amended Plat: Starwood, Phase Two, Village 9, Block H, Lot 1

MH Applicant(s): Blue Star Land, L.P.

One single-family lot on 0.6± acre on the northwest corner of Starwood Drive and Chamberlyne Drive. Zoned Planned Development-106. Neighborhood #22.

REMARKS:

Amended plats are generally used to correct errors or omissions from a final plat. The minimum side yard of a corner lot must be 15 feet when adjacent to a street. A 15-foot greenbelt area separates this lot from Starwood Drive. The purpose of the amended plat is to change the 15-foot building line along the east side of the lot to seven feet. The lot conforms to Planned Development-106-Type A development standards.

RECOMMENDATION:

Recommended for approval subject to additions and/or alterations to the engineering plans as required by the Engineering Department.

END OF CONSENT AGENDA

PUBLIC HEARINGS

John Lettelleir, Director of Planning requested the Commission to move item 10 to be the first item for a Public Hearing.

10. Public Hearing: Zoning Case Z2001-05

SN Applicant(s): John Christie and The Cirrus Group

A request to rezone 2.9± acres on the southeast corner of Hillcrest Road and Lebanon Road from Planned Development-Neighborhood Services to Planned Development-Neighborhood Services allowing medical office . Neighborhood #28.

Scott Norris, Senior Planner requested this item remain on the table for further staff review.

Commissioner Caplan moved to open the meeting for a Public Hearing. Commissioner Hamilton seconded the Motion. Motion carried. Vote - unanimous.

Fred Lusk was present and spoke in favor of the request. There being no one else present to speak for or against the request, Commissioner Caplan moved to close the meeting for a Public Hearing. Commissioner Hamilton seconded the Motion. Motion carried. Vote - unanimous 4-0.

Following review and discussion, Commissioner Caplan moved to table this item to the March 13, 2001, Planning and Zoning meeting and continue the public hearing. Commissioner Hamilton seconded the Motion. Motion carried. Vote - unanimous 4-0.

4. Public Hearing: Zoning Case Z2000-75

SN Applicant(s): Bear Trap Partnership Fund, Ltd.

A request to rezone 35.0± acres on the southeast corner of Preston Road and U.S. 380 from Agricultural to Highway. Neighborhood #2. Tabled 01/23/2001 & 02/13/2001.

Commissioner Caplan moved to remove this item from the table for a Public Hearing. Commissioner Hamilton seconded the Motion. Motion carried. Vote - unanimous 4-0.

Scott Norris, Senior Planner reviewed staff comments with the Commission. Peter Kavanagh was present and spoke in favor of the request. There being no one else present to speak for or against the request, Commissioner Hamilton moved to close the meeting for a Public Hearing. Commissioner Sanders seconded the Motion. Motion carried. Vote - unanimous 4-0.

Following review and discussion, Commissioner Sanders moved to approve the request subject to Staff Comments. Commissioner Hamilton seconded the Motion. Motion carried. Vote - unanimous 4-0.

REMARKS:

This item must be removed from the table. This item was tabled to allow staff additional time to review the applicant's request.

The applicant is requesting Highway zoning for the property. A portion of this property is in the 380 Gateway subdistrict of the Preston Road Overlay District.

Zoning and land use of the surrounding properties are as follows:

Direction	Land Use	Zoning	Comprehensive Plan
North	Undeveloped land in the Town of Prosper	N/A	No information available
East	Undeveloped	Agricultural	Industrial
South	Undeveloped	Agricultural	Open space and Retail
West	Undeveloped land in the ETJ of the City Frisco	N/A	Retail and Industrial

Conformance to the Comprehensive Plan

Future Land Use Plan - The Future Land Use Plan designates Industrial and Retail for this property. The Highway District provides for a variety of office, retail, and service uses. The request complies with the Future Land Use Plan.

Thoroughfare Plan - The Thoroughfare Plan shows U.S. 380 as a regional highway and Preston Road (S.H. 289) as a six (6) lane divided thoroughfare. A grade separated interchange is planned for this intersection. The zoning exhibit shows future right-of-way for these thoroughfares. U.S. 380 also serves as the boundary between the City of Prosper and the City of Frisco

Environmental Considerations - The City's environmental analyses contained within the Comprehensive Plan do not identify any floodplain, slopes, soils, and sensitive habitats that might impact the development of the property. Parvin Branch is a Major Creek located 400± feet to the south. No trees exist on the property that are subject to the Tree Ordinance.

Access - Access is provided by Preston Road and U.S. 380. Access to this property will be limited to service roads with the future expansion of the thoroughfares and construction of the grade separated interchange.

Water and Sanitary Sewer Services - Water and sanitary sewer services must be extended to the property. Utilities are under construction along Preston Road approximately 15,000 feet to the south.

Schools - This property is located in the Prosper Independent School District. Staff has discussed needs of the school district with the superintendent. No property in this area will be needed for development of school facilities.

Parks - At this time, no parks are located in the proximity of the property. The Parks Master Plan does not call for regional or neighborhood parks in the area.

RECOMMENDATION:

Recommended for approval as submitted.

5. Public Hearing: Zoning Case Z2000-76

SN Applicant(s): Beaver Trap Partnership Funds Ltd.

A request to rezone 24.6± acres on the southeast corner of future Dallas North Tollway and U.S. 380 from Agricultural to Highway. Neighborhood #53. Tabled 01/23/2001 & 02/13/2001.

Commissioner Hamilton moved to remove this item from the table for a Public Hearing. Commissioner Sanders seconded the Motion. Motion carried. Vote - unanimous 4-0.

Scott Norris, Senior Planner reviewed staff comments with the Commission. Peter Kavanagh was present and spoke in favor of the request. There being no one else present to speak for or against the request, Commissioner Caplan moved to close the meeting for a Public Hearing. Commissioner Hamilton seconded the Motion. Motion carried. Vote - unanimous 4-0.

Following review and discussion, Commissioner Hamilton moved to approve the request subject to Staff Comments. Commissioner Sanders seconded the Motion. Motion carried. Vote - unanimous 4-0.

REMARKS:

This item must be removed from the table. This item was tabled to allow staff additional time to review the applicant's request.

The applicant is requesting Highway zoning for the property.

Zoning and land use of the surrounding properties are as follows:

Direction	Land Use	Zoning	Comprehensive Plan
North	Undeveloped land in the Town of Prosper	N/A	No information available
East	Undeveloped	Agricultural	Industrial
South	Undeveloped	Agricultural	Open space and Industrial
West	Undeveloped land in the ETJ of the City Frisco	N/A	Retail and Industrial

Conformance to the Comprehensive Plan

Future Land Use Plan - The Future Land Use Plan designates Industrial and Retail for this property. The Highway District provides for a variety of office, retail and service uses. The request complies with the Future Land Use Plan.

Thoroughfare Plan - The Thoroughfare Plan shows both the North Dallas Tollway and U.S. 380 as regional highways/tollways. A grade separated interchange is planned for the intersection. U.S. 380 also serves as the boundary between the City of Prosper and the City of Frisco.

Environmental Considerations -- The City's environmental analyses contained within the Comprehensive Plan identify floodplain, slopes, soils, and sensitive habitats that might impact the development of the southern portion of the property. Sound engineering practices can be used to overcome certain environmental constraints. Parvin Branch is a Major Creek that is located along the south side of the property. The Subdivision Ordinance prohibits development of any portion of the property which lies within the Base Flood Plain of a Major Creek.

There is a large stand of trees along the southern portion of the property. These trees include species that are subject to the Tree Ordinance. The trees are also located in the flood plain or in an area within 300 feet of the flood plain. All of these trees are subject to the Tree Ordinance.

Access - Access to the property will be provided from North Dallas Tollway and U.S. 380. Access to this property will be limited to service roads with the future expansion of the thoroughfares and construction of the grade separated interchange.

Water and Sanitary Sewer Services - Water and sanitary sewer services must be extended to the property.

Schools - This property is located in the Prosper Independent School District. Staff has discussed needs of the school district with the superintendent. No property in this area will be needed for development of school facilities.

Parks – At this time, no parks are located in the proximity of the property. Parvin Branch located at the southern boundary of the property is shown as a linkage for the City's hike and bike trail system. The Parks Master Plan does not call for regional or neighborhood parks in the area.

RECOMMENDATION:

Recommended for approval as submitted.

6. Public Hearing: Zoning Case Z2000-62

JW Applicant(s): City of Frisco

A request to amend the Zoning Ordinance as it relates to the appeal process for zoning cases. Tabled 11/28/00 and 12/27/00.

Commissioner Caplan moved to remove this item from the table for a Public Hearing. Commissioner Hamilton seconded the Motion. Motion carried. Vote - unanimous 4-0.

Doug Mousel, Senior Planner reviewed staff comments with the Commission. There being no one present to speak for or against the request, Commissioner Hamilton moved to close the meeting for a Public Hearing. Commissioner Sanders seconded the Motion. Motion carried. Vote - unanimous 4-0.

Following review and discussion, Commissioner Sanders moved to approve the request subject to the following, indicated in bold, to be added to 11.04: Should the applicant wish to submit a request to table **prior to the public hearing**, the request shall be submitted in writing to the Planning Department a minimum of seven days prior to the meeting. In making their determination, the Planning and Zoning Commission shall consider, **among other things**, the following factors:

Commissioner Hamilton seconded the Motion. Motion carried. Vote - unanimous 4-0.

REMARKS:

Staff is recommending several changes to Article I, Section 11, "Changes and Amendments to All Zoning Ordinances and Districts and Administrative Procedures" to clarify administrative procedures. These changes include:

- Appeals

The Zoning Ordinance does not establish a time frame for which a zoning case denied by the Planning and Zoning Commission may be appealed to the City Council. Staff proposes that the applicant be allowed 14 calendar days to appeal and that the applicant be responsible for the cost for notification of the public hearing.

- Zoning Application

Each application for zoning or for an amendment to the existing provisions of the Zoning Ordinance shall be submitted to the Planning Department instead of the City Secretary (applications have been submitted to the Planning Department for a number of years). The amendment also empowers the Planning Department to maintain a list of specific requirements for zoning applications.

- Ordinance Preparation

Based on direction provided to staff by the Mayor and City Council, ordinances for approval of a zoning case are generally not placed on a City Council agenda for consideration until the zoning case is approved and the ordinance is reviewed by the City Attorney. This procedure is reflected in the proposed amendments.

- Notification Procedure

With this amendment, a case would no longer be notified at the same time for the Planning & Zoning Commission and City Council. Since many cases are tabled prior to approval, additional notification costs are being incurred by the City. Notifying public hearings for City Council after Planning and Zoning Commission's approval will save time and money.

- Tabling Procedure

Should an applicant wish to table an item, staff recommends that the applicant notify staff a minimum of seven calendar days prior to the meeting. This will save staff from preparing a report, Planning & Zoning Commission and City Council from reviewing staff's report, and interested parties from unnecessarily modifying schedules to attend a public hearings for a request which is scheduled to be tabled.

RECOMMENDATION:

Recommend for approval as follows: (For your convenience new text is underlined and deleted text is ~~struck out~~)

SECTION 11
**CHANGES AND AMENDMENTS TO ALL ZONING ORDINANCES
AND DISTRICTS AND ADMINISTRATIVE PROCEDURES**

11.01 AUTHORITY TO AMEND ORDINANCE:

The City Council may from time to time, after receiving a final report thereon by the Planning and Zoning Commission and after public hearings required by law, amend, supplement, or change the regulations herein provided or the boundaries of the zoning districts specified on the Zoning Map. Any Ordinance regulations or Zoning District boundary amendment may be ordered for consideration by:

- City Council
- Planning and Zoning Commission
- Owner of real property (or the authorized representative of an owner of real property)

In no case shall the City Council act upon any zoning request prior to recommendation by the Planning and Zoning Commission.

Each applicant for zoning or for an amendment or change to the existing provisions of this Zoning Ordinance shall submit a zoning application (available from the Planning Department) be made in writing and filed on a form suitable to the Planning Department on or before a scheduled submission date City Secretary and shall be accompanied by payment of the appropriate fee as established by the City of Frisco, Texas. All applications received on a date other than an official submittal date shall be dated received on the next official submittal date. Applications must be complete for acceptance.

Consideration for a change in any district boundary line or special zoning regulation may be initiated only with written consent of the property owner, or by the Planning and Zoning Commission or City Council on its own motion when it finds that public benefit will be derived from consideration of such matter. In the event the ownership stated on an application and that shown on the City records are different, the applicant shall submit written proof of ownership.

Zoning Application Details

To ensure the submission of adequate information, the Planning staff is hereby empowered to maintain and distribute a list of specific requirements for zoning applications. Upon periodic review, the Planning staff shall have the authority to update such requirements for zoning application details.

11.02 PUBLIC HEARING AND NOTICE:

Zoning Changes

Prior to making its report to the City Council, the Planning and Zoning Commission shall hold at least one public hearing on each application. Before the tenth day before the hearing date before the Planning and Zoning Commission, written notice of each public hearing before the Planning and Zoning Commission on a proposed change in a zoning classification shall be sent to each owner, as indicated by the most recently approved Municipal Tax Roll, of property within two hundred feet (200') of the property in which the change in classification is proposed. The notice may be served by its deposit in the municipality, property addressed with postage paid, in the United States mail.

Notice of City Council hearing shall be given by publication in the official newspaper of the City, stating the time and place of such hearing, a minimum of fifteen (15) days prior to the date of the public hearing.

Text Amendments

Notice of hearings on proposed changes in the text of the Zoning Ordinance shall be accomplished by one publication not less than fifteen (15) days prior to both the Planning and Zoning Commission and City Council meetings thereto in the official newspaper of the City. Changes in the ordinance text which do not change zoning regulations and/or zoning district boundaries do not require written notification to individual property owners. ~~Notices for the public hearing for changes to the ordinance text before the City Council will also be published at the same time notice of the Planning and Zoning Commission meeting is published but not less than fifteen (15) days prior to the public hearing date(s).~~

11.03 FAILURE TO APPEAR:

The Planning and Zoning Commission may deny a zoning application if the applicant or representative fail to appear at one (1) or more hearings before the Planning and Zoning Commission.

11.04 COMMISSION CONSIDERATION AND REPORT:

The Planning and Zoning Commission, after the public hearing is closed, ~~the Planning and Zoning Commission may vote to approve, approve with amendments and conditions, table, or deny in whole or in part the application shall prepare its report and recommendations on the proposed change stating its findings, its evaluation of the request and of the relationship of the request to the Comprehensive Plan.~~ The Planning and Zoning Commission may ~~table~~ defer its report for not more than ninety (90) days from the time it is posted on the agenda until it has had opportunity to consider other proposed changes which may have a direct bearing thereon. Should the applicant wish to submit a request to table, the request shall be submitted in writing to the Planning Department a minimum of seven days prior to the meeting. In making their determination, the Planning and Zoning Commission shall consider the following factors:

- A. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned and their relationship to the general area and the City as a whole.
- B. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area, and shall note the findings.
- C. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development.
- D. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.
- E. How other areas designated for similar development will be, or are unlikely to be, affected if the proposed amendment is approved, and whether such designation for other areas should be modified also.
- F. Any other factors which will substantially affect the health, safety, morals, or general welfare.

If the Planning and Zoning Commission denies the zoning request, it may offer reasons to the applicant for the denial.

Proposal Recommended for Denial by the Commission

When the Planning and Zoning Commission determines that a proposal should be denied, it shall so report and recommend to the City Council and notify the applicant. If the proposal is denied by the Commission, the request shall not be forwarded to the City Council unless the applicant requests an appeal to the City Council or the request is sent for review by the Commission by simple majority vote. Upon denial by the Planning and Zoning Commission, the applicant may, upon his own motion within 14 calendar days, file with the Planning Department a written request that a public hearing be scheduled and held before the City Council regarding the application. The applicant shall be responsible for the costs of renotification, including postage. When a proposed zoning request is heard by the City Council that has been denied by the Planning and Zoning Commission, a three-fourths (3/4) majority vote by the City Council shall be required for approval. ~~A request which has been denied by the Planning and Zoning Commission and/or City Council may be resubmitted at any time for reconsideration by the City (a new filing fee must accompany the request).~~

11.05 CITY COUNCIL CONSIDERATION

- A. **Proposal Recommended for Approval by the Commission:** Every proposal which is recommended favorable by the Planning and Zoning Commission shall be automatically forwarded to the City Council for setting and holding of public hearing thereon. No change, however, shall become effective until after the adoption of an ordinance for same and its publication as required by law.

- B. **City Council Consideration and Action:** City Council, after the public hearing is closed, may vote to approve, approve with amendments and conditions, table, or deny in whole or in part the application. Should the applicant wish to submit a request to table, the request shall be submitted in writing to the Planning Department a minimum of seven days prior to the meeting.
- C. **City Council Hearing and Notice:** Notice of City Council hearing shall be given by publication at the same time notice is given for the Planning and Zoning Commission public hearing in the official newspaper of the City, stating the time and place of such hearing, which shall be at least fifteen (15) days after the date of publication.
- C. **Three-Fourths Vote:** If a protest against a proposed amendment, supplement or change to a zoning regulation or boundary has been filed with the Planning Department City Secretary, duly signed and acknowledged by the owners of twenty percent (20%) or more, either of the area of the lots or land included in such a proposed change to a zoning regulation or boundary or the area of the lots, or land, immediately adjoining the area thereof extending two hundred feet (200') therefrom or of those directly opposite thereto extending two hundred feet (200') from the street frontage of such opposite lots, such amendments shall not become effective except by the affirmative vote of three-fourths (3/4) of all members of the City Council.
- D **Denial by City Council:** The City Council may deny any request with prejudice. If a request has been denied with prejudice, the same or similar request may not be resubmitted to the City for six (6) months from the original date of denial.

~~Final Approval and Ordinance Adoption: Upon submittal of the zoning request by the City Council, the applicant shall submit a metes and bounds description of the boundaries of the zoning request and a metes and bounds description of any zone contained therein, to the City for the preparation of the amending ordinance. The amending ordinance shall be approved at the time the City Council makes a decision to approve the request as submitted or as modified. The amending ordinance will not be approved until correct property description as described has been prepared for the amending ordinance. Approval of any zoning change, amendment, or supplement by the City Council at the scheduled public hearing shall constitute instruction to City staff to prepare the appropriate ordinance for final formal passage at a subsequent time. If finally approved by the required number of votes, the ordinance shall be executed by the Mayor.~~

7. Public Hearing: Zoning Case Z2000-73

MH Applicant(s): City of Frisco

A request to amend the Comprehensive Zoning Ordinance regarding the definitions and regulation of hotels, motels, and residence hotels.

Mitch Humble, Planner requested this item to remain on the table for further staff review.

Following review and discussion, Commissioner Hamilton moved to table this item to the April 24, 2001, Planning and Zoning meeting and continue the public hearing. Commissioner Caplan seconded the Motion. Motion carried. Vote - unanimous 4-0.

8. Public Hearing Replat: The Center at Preston Ridge Phase 2-A Block A lots 2R, 4, 5, 6, 7, & 8

SN Applicant(s): Briar Preston Ridge South, L.P., Gourmet and Fitness, L. L. C., Eathan Allen. Inc., Greenbriar/Frisco Partnership, L.P.,

A restaurant and furniture store on six lots on 13.9± acres on the northeast corner of S. H. 121 and Parkwood Boulevard. Zoned Planned Planed Development-25- Business Center. Neighborhood #35.

Scott Norris, Senior Planner reviewed staff comments with the Commission.

Commissioner Hamilton moved to open the meeting for a Public Hearing. Commissioner Sanders seconded the Motion. Motion carried. Vote - unanimous. There being no one else present to speak for or against the request, Commissioner Hamilton moved to close the meeting for a Public Hearing. Commissioner Sanders seconded the Motion. Motion carried. Vote - unanimous 4-0.

Following review and discussion, Commissioner Caplan moved to approve the request subject to Staff Comments. Commissioner Sanders seconded the Motion. Motion carried. Vote - unanimous 4-0.

REMARKS:

The purpose for this replat is to subdivide the property into six lots and dedicate the necessary easements for the development of a furniture store on Lot 4. Each of the other lots has a prospective buyer.

RECOMMENDATIONS:

Recommend for approval subject to Additions and/or alterations to the engineering plans as required by the Engineering Department.

**9. Public Hearing/Replat: Starwood, Phase Two, Village 10, Block C, Lots
MH 1-8**

Applicant(s): Blue Star Land, L.P.

Eight patio home lots on 1.9± acres on the north side of Arrowhead Drive at the intersection of Star Trail Lane. Zoned Planned Development-106. Neighborhood #22.

Mitch Humble, Planner reviewed staff comments with the Commission.

Commissioner Hamilton moved to open the meeting for a Public Hearing. Commissioner Sanders seconded the Motion. Motion carried. Vote - unanimous. There being no one else present to speak for or against the request, Commissioner Hamilton moved to close the meeting for a Public Hearing. Commissioner Sanders seconded the Motion. Motion carried. Vote - unanimous 4-0.

Following review and discussion, Commissioner Hamilton moved to approve the request subject to Staff Comments. Commissioner Caplan seconded the Motion. Motion carried. Vote - unanimous 4-0.

REMARKS:

The purpose of the replat is to extend the rear lot line three feet to increase the building area. The lots conform to Planned Development-106-Patio Home development standards.

RECOMMENDATION:

Recommended for approval subject to additions and/or alterations to the engineering plans as required by the Engineering Department.

11. Public Hearing: Specific Use Permit SUP2001-03

MH Applicant(s): Gloria E. Fuentes, Gloria's Restaurant

A request for a Specific Use Permit for a Private Club on 0.1± acre 220± feet north of Gaylord Parkway, 1,100± feet west of Preston Road. Zoned Planned Development-25. Neighborhood #35.

Mitch Humble, Planner reviewed staff comments with the Commission.

Commissioner Caplan moved to open the meeting for a Public Hearing. Commissioner Hamilton seconded the Motion. Motion carried. Vote - unanimous. There being no one else present to speak for or against the request, Commissioner Hamilton moved to close the meeting for a Public Hearing. Commissioner Sanders seconded the Motion. Motion carried. Vote - unanimous 4-0.

Following review and discussion, Commissioner Hamilton moved to approve the request subject to Staff Comments. Commissioner Sanders seconded the Motion. Motion carried. Vote - unanimous 4-0.

REMARKS:

This is a request for a Specific Use Permit for a Private Club to operate in conjunction with a restaurant. Gloria's is requesting the ability to serve alcoholic beverages at their 6,000 square foot restaurant. Zoning and land use of the surrounding properties are as follows:

Direction	Land Use	Zoning	Comprehensive Plan
North	Retail and Restaurant Uses	Planned Development - 25	Retail and Commercial
East	Retail and Restaurant Uses	Planned Development - 25	Retail and Commercial
South	Retail and Restaurant Uses	Planned Development - 25	Retail and Commercial
West	Retail and Restaurant Uses	Planned Development - 25	Retail and Commercial

The Zoning Ordinance requires that a Private Club not be located within three hundred (300) feet of the property line of any church, public or parochial school, hospital, extended care facility, or public park. No churches, public or parochial schools, hospitals, extended care facilities, or public parks are located within three hundred (300) feet of the front door of the proposed private club and restaurant.

The Zoning Ordinance lists four criteria for approval of a Specific Use Permit.

1. Is the property harmonious and compatible with its surrounding existing uses or proposed uses?

The surrounding properties are developed as retail and restaurant uses. Restaurants are normally found in retail developments. The proposed use is harmonious and compatible with existing and proposed uses.

2. Are the activities requested by the applicant normally associated with the requested use?

Alcoholic beverages are typically served at full service restaurants.

3. Is the nature of the use reasonable?

Most restaurants serve alcoholic beverages as a convenience to their customers. The nature of the use is reasonable.

4. Has any impact on the surrounding area been mitigated?

Parking and landscaping are adequate.

The request meets all four criteria for approval of a Specific Use Permit. Staff recommends approval of the request.

RECOMMENDATION:

Recommended for approval as submitted.

12. Public Hearing: Zoning Case Z2001-02

DM Applicant(s): Melba Duncan, Judy Carrington, Jerry Whitsell, and Peggy McAdams

A request to rezone 18.6± acres on the southeast corner of F.M. 423 and Smith Road from Agricultural to Retail. Neighborhood #49.

Doug Mousel, Senior Planner reviewed staff comments with the Commission.

Commissioner Caplan moved to open the meeting for a Public Hearing. Commissioner Sanders seconded the Motion. Motion carried. Vote - unanimous. Speaking for the request: Craig Curry, Van Nichols and Ron McAdams. Craig Curry also made a Powerpoint presentation. Speaking in opposition: Cary Cobb and Warren Corwin. There being no one else present to speak for or against the request, Commissioner Hamilton moved to close the meeting for a Public Hearing. Commissioner Sanders seconded the Motion. Motion carried. Vote - unanimous 4-0.

Following review and lengthy discussion, Commissioner Caplan moved to table this item to the March 27, 2001 Planning and Zoning Commission meeting. Commissioner Hamilton seconded the Motion. Motion carried. Vote - unanimous 4-0.

END OF PUBLIC HEARINGS

13. Preliminary Plat: Grayhawk Section II – Phases I - VII

DM Applicant(s): Eldorado Ranch, Ltd.

818 Single-Family lots and 6 open space lots on 220.4± acres on the northwest corner of future Panther Creek Parkway and future Teel Parkway (Hawkins Road). Zoned Planned Development-157-Single-Family-5. Neighborhood #51.

Doug Mousel, Senior Planner requested the Commission accept the applicant's request to waive their right for Commission action on the plat within 30 days of the submittal date.

Following review and discussion, Commissioner Caplan moved to approve the request to accept the applicant's waiver of the 30 day review period. Commissioner Hamilton seconded the Motion. Motion carried. Vote - unanimous 4-0.

14. General Information

Discussion on zoning undevelopable areas.

Commissioner Caplan requested this topic be added to the agenda. John Lettelleir, Director of Planning, discussed the possibility of having an incentive matrix for developers, as it relates to open space requirements, with the Commission. He further informed the Commission that it is not normal to have open space zoned as such.

15. Adjourn

There being no further business, Commissioner Hamilton moved to adjourn the meeting at 8:23 p.m. Commissioner Caplan seconded the Motion. Motion carried. Vote - unanimous 4-0.

BUDDY MINETT (Chairman)

JON FERGUSON (Secretary)